

Serial No.: 10/823,787

REMARKS

Applicants have carefully considered the September 6, 2005 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-29 were pending in this application. Claim 29 has been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b).

In response to the Office Action dated September 6, 2005, claims 2 and 22 have been canceled and claims 1, 3, 11, 13, 17, 20, 21 and 23 have been amended. The subject matter of claims 2 and 22 (now both cancelled) has been incorporated into claims 1 and 21, respectively. The dependencies of claims 3, 11, 17, 20 and 23 have been amended in view of the cancellation of claims 2 and 22.

Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments and related discussion thereof in the written description of the specification. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Applicants respectfully traverse the Examiner statement that Applicants did not distinctly and specifically point out the error in the June 28, 2005 restriction requirement. Rather, Applicants' previous response traversed the restriction requirement with detailed reasoning and requested reconsideration of the restriction requirement. The Examiner

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failed to respond to these Arguments in the outstanding Office action dated September 6, 2005. Applicants, therefore, request the Examiner to respond to these arguments. Applicants maintain that claim 29 should be examined together with claims 1-28. Accordingly, reconsideration of the restriction requirement is again solicited.

Claim 13 was objected to for a minor informality. Applicants respectfully request reconsideration and withdrawal of the objection to claim 13 in view of the foregoing amendment to claim 13 and the following remarks. Claim 13 has been amended to clarify that one of the rails disposed along a direction of conveyance of the open envelope is disposed proximal to a side of the conveyed open envelope having the flap. Accordingly, reconsideration and withdrawal of the objection are solicited.

Claims 1-3, 9, 10 and 17-22 were rejected under 35 U.S.C. § 102(b) as being anticipated over Long et al. (U.S. Pat. No. 5,457,941, hereinafter "Long"). Applicants respectfully traverse the rejection.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. In imposing a rejection under 35 U.S.C. § 102, the Examiner is required to specifically identify wherein an applied reference is perceived to identically disclose each feature of a claimed invention. Moreover, there are significant differences between the claimed subject matter and the device disclosed by Long that would preclude the factual determination that Long identically describes the claimed subject matter within the meaning of 35 U.S.C. § 102.

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Independent claims 1 and 21 both describe, in pertinent part, that the bending member is configured to bend the open envelope about an axis that is substantially perpendicular to a joint between the flap and the open envelope. In contrast, as depicted in FIG. 6B, Long discloses an envelope stuffing device with feed belts 50a, 50b and 52 used to bend the envelope along its length. Long's feed belts 50a, 50b and 52 bend the envelope about an axis that is parallel to the joint between the flap and the envelope. Long, therefore, fails to disclose a bending member configured to bend an open envelope about an axis that is substantially perpendicular to a joint between the flap and the open envelope. Thus, Long fails to identically disclose or suggest every limitation of independent claims 1 and 21. Accordingly, Applicants submit that the Examiner's rejection under 35 U.S.C. § 102(b) is factually and legally erroneous and should be withdrawn.

Dependent claims 11, 15, 16 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Long. Applicants respectfully traverse the rejection of claims 11, 15, 16 and 23. Applicants incorporate herein the arguments previously advanced in traversal of the rejection of claims 1-3, 9, 10 and 17-22 under 35 U.S.C. § 102(b) predicated upon Long. Dependent claims 11, 15, 16 and 23 are patentably distinct over the applied reference in view of their dependencies from either independent claim 1 or 21. Accordingly, the rejection is not legally viable and should be withdrawn.

Dependent claims 4-8, 12-14 and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Long in view of Haas et al. (U.S. Pat. No. 4,798,040, hereinafter "Haas"). Applicants respectfully traverse. Applicants incorporate herein the arguments previously advanced in traversal of the rejection of claims 1-3, 9, 10 and 17-22 under 35

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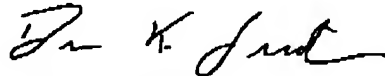
U.S.C. § 102(b) predicated upon Long. The secondary reference to Haas does not cure the argued deficiency of Long. Thus, even if the applied references are combined as suggested by the Examiner, the claimed subject matter will not result. Accordingly, the rejection is not legally viable and should be withdrawn.

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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